

THE HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANNE MOLINARI,

Plaintiff,

v.

LOWE'S HOME CENTERS, LLC d/b/a LOWE'S
HOME IMPROVEMENT, a Washington
Corporation,

Defendant.

No. 3:15-cv-05295-RBL

STIPULATED MOTION AND ORDER
TO EXTEND DISCOVERY CUTOFF
AND OTHER DEADLINES

1 1. Pursuant to FRCP 16, Plaintiff Anne Molinari and Defendant Lowe's Home
2 Centers, LLC, (collectively, "the Parties"), respectfully request that the Court modify the
3 current case schedule to extend the discovery cutoff by one month and the dispositive motions
4 deadline by two weeks. The parties have conferred and believe they have good cause to extend
5 these deadlines.

6 **A. STATEMENT OF FACTS**

7 2. Plaintiff filed her Complaint for Damages on May 5, 2015. The current trial date
8 is June 12, 2017 and the current discovery cutoff is February 13, 2017.

9 3. The parties have exchanged written discovery, and engaged in meet and confer
10 discussions regarding the written discovery. The parties have cooperatively worked together to
11 complete written discovery without the need for discovery motions. After exchanging written
12 discovery, the Parties met and conferred regarding a plan to mediate this case prior to
13 completing depositions, thereby avoiding substantial fees and costs. The Parties plan to
14 mediate this case in February 2017 and thus require additional time to complete depositions
15 beyond the February 13 discovery cutoff, should the mediation fail.

16 4. On January 26, 2017, the Parties held a phone conference with James Seely, law
17 clerk to the Honorable Judge Leighton, to discuss extension of these deadlines. Mr. Seely
18 informed the Parties that the Court was likely to modify the scheduling deadlines based on the
19 Parties' agreement, where the Parties are not seeking to move the trial date. He permitted the
20 Parties to note this discussion in this motion.

21 5. Extending the discovery cutoff by one month for the limited purpose of
22 completing depositions, and the dispositive motions deadline by two weeks will permit the
23 Parties to engage in mediation, while still having sufficient time to complete depositions,
24 should they fail to settle the case.

1 6. The Parties, through their counsel, thus jointly represent that they have “good
2 cause” to extend these deadlines and request an order from this Court modifying the current
3 case schedule. FRCP 16(b).

4 7. Extension of these deadlines would modify the case schedule as follows:

5 a. The discovery cutoff would be moved from February 13, 2017 to March
6 13, 2017 for the limited purpose of completing depositions. The parties
7 anticipate that they should be able to complete all other discovery by the
8 Court’s current cut-off of February 13, 2017.

9 b. The deadline for filing dispositive motions would be moved from March
10 14, 2017 to March 28, 2017.

11 **B. EVIDENCE RELIED UPON**

12 The Parties rely upon this Motion and the pleadings, files and records in this
13 proceeding.

14 **C. AUTHORITY AND ARGUMENT**

15 This Motion is based upon the Federal Rules of Civil Procedure, corresponding case
16 law, and the Court’s power to control its calendar. Orders entered before the final pretrial
17 conference may be modified upon a showing of “good cause.” *Johnson v. Mammoth*
18 *Recreations, Inc.*, 975 F.2d 604, 608 (9th Cir. 1992) (citing Fed.R.Civ.P. 16(b)). Here, “good
19 cause” exists for modifying the current scheduling deadlines. As discussed in the Statement of
20 Facts, the Parties jointly seek modification of the scheduling order, in order to allow time for
21 settlement negotiations prior to completing depositions.

22 **D. CONCLUSION**

23 For the above-stated reasons, the Parties respectfully request that the Court grant their
24 Stipulated Motion and request a revised case scheduling order extending the discovery cutoff
25 and dispositive motions deadline as described above.
26

STIPULATED to this 26th day of January, 2017.

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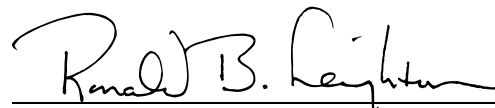
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED this 27th day of January, 2017.



Ronald B. Leighton
United States District Judge